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14 Attorneys for Victim,
15 J.H.

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA**

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 TREVOR JAMES KIRK,

22 Defendant.

23) **CASE NO.: 2:24-cr-00527-SVW**
24)
25) **VICTIM J.H.'s MOTION FOR**
26) **SENTENCING OF DEFENDANT**
27) **TREVOR KIRK FORTHWITH AND**
28) **VICTIM J.H.'s OBJECTION TO**
1) **JOINT STIPULATION TO**
2) **CONTINUE SENTENCING**
3) **HEARING (Dkt. 69)**

1 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR**
 2 **ATTORNEYS OF RECORD:**

3 **COMES NOW** Victim J.H. and respectfully moves this Court for Sentencing of
 4 Defendant Trevor Kirk Forthwith. Victim J.H. also hereby objects to Joint Stipulation
 5 to Continue Sentencing Hearing (Dkt. 69). Victim J.H. also

6 The Crime Victims' Rights Act ("CVRA") guarantees crime victims eight (8)
 7 different rights, and unlike the prior crime victims' rights statute, allows both the
 8 government and the victims to enforce them. *See* 18 U.S.C. § 3771(a), (d)(1); *United*
 9 *States v. McVeigh*, 106 F.3d 325, 335 (10th Cir.1997) (per curiam).

10 One of the rights under the CVRA is "[t]he right to proceedings free from
 11 unreasonable delay." 18 U.S.C.A. § 3771(a)(7).

12 Here, Defendant Kirk was convicted on February 6, 2025. The February 6, 2025
 13 conviction occurred close to two (2) years after the June 24, 2023 crime on Victim J.H.
 14 This Court previously scheduled sentencing for April 21, 2025. However, the April 21,
 15 2025 sentencing was continued to May 19, 2025. *See* Dkt. 67. Now, on April 10, 2025,
 16 another stipulation to continue sentencing from May 19, 2025 to August 18, 2025 was
 17 filed. Victim J.H. objects to any further continuance of sentencing.

18 Victim J.H. respectfully moves this Court for sentencing of Defendant Kirk
 19 forthwith. Victim J.H. has a right to proceedings free from delay and submits that any
 20 further delay in sentencing is contrary to the CVRA and Victim's J.H.'s rights.

21 Furthermore, there are several objectives of the CVRA including "ensuring that
 22 the district court doesn't discount the impact of the crime on the victims" and "allowing
 23 the victim to regain a sense of dignity and respect rather than feeling powerless and
 24 ashamed." *United States v. Burkholder*, 590 F.3d 1071, 1075 (9th Cir. 2010),

25 Here, Victim J.H. has been significantly impacted by Defendant Kirk's crime.
 26 Victim J.H. wishes to moves on with her life and potentially move out of state but is
 27 unable to until the proceedings are concluded. Any further delay in these proceedings
 28 is preventing Victim J.H. to move forward with her life. Without an imposition of a

1 sentence of Defendant Kirk, Victim J.H. cannot regain her sense of dignity. Therefore,
2 in order to fulfill the objectives of the CVRA, sentencing should occur forthwith.

3 Finally, “[t]he crime victim or the crime victim's lawful representative, and the
4 attorney for the Government may assert the rights described in subsection (a).” 18
5 U.S.C.A. § 3771(d)(1). Indeed, “[t]he rights described in subsection (a) shall be
6 asserted in the district court in which a defendant is being prosecuted for the crime . . .
7 The district court shall take up and decide any motion asserting a victim's right
8 forthwith.” 18 U.S.C.A. § 3771(d)(3).

9 Here, Victim J.H. has standing to bring this motion and respectfully, this Court
10 should decide this motion forthwith.

11 Dated: April 13, 2025

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13 By: 
14 Christian Contreras, Esq.
15 Attorney for Victim,
J.H.

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